

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: GRUBER et al.
Title: METHOD AND SYSTEM FOR
SOLICITING CHARITABLE
DONATION DURING
ELECTRONIC COMMERCE
Appl. No.: 09/782,722
Filing Date: 2/13/2001
Examiner: CHENCINSKI, SIEGFRIED E
Art Unit: 3692
Confirmation Number: 9420

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the New **Pre-Appeal Brief Conference Pilot Program**, announced July 11, 2005, this Pre-Appeal Brief Request is being filed together with a Notice of Appeal.

REMARKS

Claims 1, 4-19, 42 and 46 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over igive.com in view of U.S. Patent No. 5,663,547 to Ziarno (hereinafter "Ziarno"). Applicant respectfully traverses this rejection for at least the following reasons.

Embodiments of the present invention relate to systems and methods for soliciting charitable donations from online shoppers involved in electronic commerce. Embodiments of

the invention encourage and motivate a shopper to make a donation. For example, in one embodiment, during an e-commerce transaction, the online shopper is provided with a suggestion on the amount of donation. The amount suggested may be, for example, dependent on the amount of the purchase made by the online shopper in the e-commerce transaction. Thus, rather than merely allocating a part of the purchase as a donation in a passive manner, the embodiments of the invention provide for the online shopper to become actively involved and to be able to select the amount of donation, thereby encouraging and motivating the online shopper to make a donation. Accordingly, independent claims 1 and 46 each recite “providing one or more suggestions on the amount of a donation ... based on the order from the online shopper.”

Neither igive.com nor Ziarno teaches or suggests at least this feature of the claimed invention. Igive.com discloses a web enterprise in which a portion of the money spent by a shopper on goods is allocated as a donation to charity. Once the shopper completes his/her shopping, the web enterprise allocates a portion of the purchase as a donation to the charity. The portion is determined solely by the web enterprise as a percentage of the purchase total. The shopper is not given the opportunity to determine the amount allocated as a donation and has no input as to the amount of donation. Accordingly, igive.com does not provide the shopper with any suggestion on the amount of donation, let alone a suggestion based on the order.

Ziarno fails to cure this deficiency of igive.com. Ziarno discloses a terminal or a peripheral with a card reader through which a credit card may be read. The terminal detects the type of card and displays a recommended contribution or gift amount. Ziarno discloses no e-commerce transaction and, accordingly, no order upon which the recommended contribution amount is based.

In the “Response to Arguments,” the Examiner argues that “Ziarno is directly involved in ecommerce involving the electronic environment, credit cards, electronic readers of credit cards,” Office Action dated April 20, 2007, page 8. Applicant respectfully disagrees with this interpretation of the disclosure of Ziarno.

“Commerce” is defined as “buying and selling of goods” Webster’s II New College Dictionary. Ziarno discloses a device for inducing gift-giving. A donor may swipe his card through the device to make a donation to a given charity. There is no purchase of any products or services involve, but rather only the receipt of contributions through credit cards. In this regard, there is no “commerce” (or e-commerce) involved in the system disclosed in Ziarno.

More importantly, Ziarno does not teach or suggest receiving any order from an online shopper. As a result, the system disclosed in Ziarno is incapable of suggesting a donation amount based on an order, as recited in the independent claims of the present application.

Thus, igive.com and Ziarno both fail to teach or suggest at least the above-noted feature of claims 1 and 46.

Since none of the cited references teach or suggest at least “providing one or more suggestions on the amount of a donation ... based on the order from the online shopper,” claims 1 and 46 are patentable. Claims 4-19 and 42 depend, either directly or indirectly, from allowable claim 1 and are, therefore, patentable for at least that reason, as well as for additional patentable features when those claims are considered as a whole.

Claims 2 and 3 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over igive.com in view of Ziarno and further in view of an article by David King. Claims 2 and 3 depend from allowable claim 1 and are, therefore, patentable for at least that reason, as well as for additional patentable features when those claims are considered as a whole.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance.


Respectfully submitted,

Date

October 19, 2007

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

048772-0701

I hereby certify that this correspondence is being deposited via EFS Web and is addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

On October 19, 2007

Signature

Typed or printed name: Jessica A. Harvey

Application Number

09/782,722

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2/13/2001

First Named Inventor

Harry E. Gruber

Art Unit

3692

Examiner

CHENCINSKI, SIEGFRIED E

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☒ attorney or agent of record.

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☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34

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NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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